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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re: **Case No. 14-41174 CN**
JOHN BENNY SCHIPANI, **Chapter 13**
Debtor. **MOTION TO MODIFY CHAPTER 13 PLAN**

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John Benny Schipani, debtor herein, moves the court for an order modifying his Chapter 13 plan as follows:

1. FACTUAL BACKGROUND

Debtor will be eighty-four (84) years old in July. He is the owner/operator of Giovanni, an Italian restaurant in Berkeley that he opened fifty-two (52) years ago in 1963. Giovanni is one of the oldest restaurants on Shattuck Avenue in Berkeley.

Giovanni suffered a major fire on April 23, 2015, and has been closed for repairs since then. The insurance carrier is paying for the repairs, which are estimated to be completed in November, 2015. However, thusfar the insurance company is only willing to pay debtor \$25,802 total for business interruption. That will give debtor \$3,225 per month, in addition to social security until the restaurant reopens.

1 Prior to the fire, debtor had agreed in principal with some
2 investors ("Lessees") on a lease with an option to purchase the
3 restaurant and the commercial building which houses Giovanni. The fire
4 has obviously complicated the timing of the deal, but the Lessees remain
5 committed to going through with the plan to lease and eventually purchase
6 the business.

7 In essence, the Lessees will pay the mortgage payments on the
8 commercial building. Once the restaurant reopens, hopefully in November,
9 2015, the Lessees will take over the operation of the restaurant and will
10 commence paying debtor's Chapter 13 plan payments until the plan is
11 completed.

12 **2. MODIFICATION OF PLAN**

13 Debtor hereby moves to modify his Chapter 13 plan as outlined in the
14 Modified Chapter 13 Plan attached hereto as exhibit A and as outlined
15 below:

16 The plan, as modified, provides for payments of \$500.00 per month
17 commencing June, 2015 and continuing through November, 2015. Commencing
18 December, 2015 the plan payments shall be \$6,800 per month until the plan
19 is completed or until the entire balance of the plan is paid off. Any
20 plan arrearages shall be forgiven.

21 Dated: June 4, 2015

22 /s/ Patrick L. Forte
23 PATRICK L. FORTE
24 Attorney for Debtor
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